

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CYNTHIA DARRINGTON, *et al.*,

Plaintiffs,

v.

ASSESSMENT RECOVERY OF

WASHINGTON LLC, *et al.*,

Defendants.

CASE NO. C13-0286-JCC

ORDER

This matter comes before the Court on the Parties' Joint Motion for Preliminary Approval of Class Action Settlement (Dkt. No. 95). The Court has reviewed the related files and pleadings, including the Joint Motion (Dkt. No. 95) and the Declaration of Joseph P. Derrig (Dkt. No. 96) in support of the same, with attachments. The Court GRANTS the Motion (Dkt. No. 95).

Additionally, the Court FINDS and ORDERS:

1. The Class Definition, Class Counsel, and Class Representatives are appropriate as previously ordered (*see* Order, Dkt. No. 55 at 18).
2. The Court preliminarily approves the Settlement Agreement and the plan of allocation to be fair, reasonable, and adequate.
3. The Court approves, as to the form and content, the proposed Settlement

Agreement, which is annexed as Exhibit A to the Declaration of Joseph P. Derrig in support of the Joint Motion for Preliminary Approval of Class Action Settlement.

4. The Court approves, as to the form and content, the Notice of Class Action, which is annexed as Exhibit B (the "Notice") to the Declaration of Joseph P. Derrig in support of the Joint Motion for Preliminary Approval of Class Action Settlement.
5. The Court finds that mailing the Notice to the last known address of all Class Members within thirty days of the entry of this Order constitutes the best notice practicable under the circumstances, and constitutes valid, due, and sufficient notice to all persons entitled thereto, complying fully with the requirements of Fed. R. Civ. P. 23 and due process.
6. The Court approves the following schedule:

Notice mailed to Class Members:	Within 30 days after the Order of Preliminary Approval
Last day for Class Members to object to or opt-out of Settlement:	30 days from mailing of last notice
Final Approval and Fairness Hearing:	November 3, 2015 at 10:00 AM

7. At or prior to the Fairness Hearing, Class Counsel shall file with the Court and serve on Defendants' counsel proof by declaration or affidavit of the mailing of the Notice.
8. At or prior to the Fairness Hearing, Class Counsel shall file with the Court and serve on Defendants' counsel proof by declaration or affidavit a list of Class Members that have timely sought exclusion.
9. At least 15 days prior to the Fairness Hearing, the Parties shall file a Joint Motion for Final Approval of the Class Action Settlement and Final Judgment and Dismissal, and all papers in support of the settlement including Class Counsel's motion for award of attorney's fees and costs.

1 10. A public Fairness Hearing will be held on November 3, 2015 at 10:00 AM before
2 the Honorable John C. Coughenour of the Court for the Western District of
3 Washington located at 700 Stewart Street, Suite 16229 in Seattle, WA 98101-9906
4 for the purposes of determining: (1) whether the proposed settlement of the Lawsuit
5 as set forth in the Class Action Settlement Agreement is just, fair, reasonable, and
6 adequate for the Class and should be granted final approval; (2) whether the Court
7 should enter the proposed judgment dismissing the Lawsuit with prejudice; (4)
8 whether the Court should award Plaintiff's counsel attorneys' fees and costs; and (5)
9 whether the Court should award the Representative Plaintiffs compensation for their
10 time and effort in this Lawsuit.

11 11. Any Class Member may appear and show cause as to why the Court should or
12 should not: (1) approve the settlement as set forth in the Settlement Agreement as
13 fair, reasonable, and adequate; (2) enter the Order of Final Judgment and Dismissal;
14 (3) award attorneys' fees and costs to Class Counsel; and/or (4) award an incentive
15 award to the Representative Class members, provided, however, that he or she has
16 timely notified the Court and Class Counsel as laid out in the Notice.

17 12. The Court may adjourn the Fairness Hearing from time to time and without further
18 notice to the Class. The Court reserves the right to approve the Class Action
19 Settlement at or after the Fairness Hearing with such modifications as may be
20 consented to by the Defendants and Class Representatives and without further
21 notice to the Class. The Court further reserves the right to enter a Final Order,
22 dismissing the action with prejudice as to the Defendants and against the Named
23 Plaintiffs and the Class at or after the Fairness Hearing and without further notice to
24 the Class.

25 13. Upon entry of the Final Order, the Named Plaintiffs, and each of the Class
26 Members, on behalf of themselves, their successors, assigns, and any other person

1 claiming (now and in the future) through or on behalf of them, and regardless of
2 whether any such Named Plaintiff or Class Member ever seeks or obtains by any
3 means any distribution from the Settlement Fund, shall be bound by the Final Order
4 and by the terms of the Settlement Agreement. Upon entry of the Final Order, the
5 Court will dismiss the action in its entirety as to the Defendants, with prejudice and
6 without costs (except as otherwise provided in the Agreement).

7 14. All reasonable costs and expenses incurred in identifying and providing notice to
8 Class Members and in administering the Settlement Fund shall be paid as set forth
9 in the Settlement Agreement.

10 15. The Court retains jurisdiction over all proceedings arising out of or related to the
11 Settlement Agreement.

12 16. If for any reason the Settlement Agreement does not become effective in accordance
13 with the terms of the Settlement Agreement, this Preliminary Approval Order shall
14 be rendered null and void and shall be vacated *nunc pro tunc*.

15 DATED this 3rd day of August 2015.

16
17
18
19
20
21
22
23
24
25
26


John C. Coughenour
UNITED STATES DISTRICT JUDGE